

ESTTA Tracking number: **ESTTA242648**

Filing date: **10/14/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047013
Party	Plaintiff NeTrack, Inc.
Correspondence Address	Carl Oppedahl Oppedahl Patent Law Firm LLC P.O. Box 4850 Frisco, CO 80443-4850 UNITED STATES docket-oppedahl@oppedahl.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Terrence M. Wyles
Filer's e-mail	docket-oppedahl@oppedahl.com
Signature	/s/
Date	10/14/2008
Attachments	2008-10-14-DRAFT-NTer-i007-Notice-of-Reliance-on-First-Assignment-Docs-ExhibitsAandB.pdf ( 3 pages )(23259 bytes ) ExhibitA-2007-06-27-CCofAssignAsFiledReceived.pdf ( 6 pages )(503486 bytes ) Exhibit-B-20071015-CCofAbstractOfTitleReceived.pdf ( 4 pages )(218100 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 3,064,820

Mark: NETTRAK

Registered March 7, 2006

Netrack, Inc., Petitioner	)	
	)	
v.	)	Cancellation No. 92047013
	)	
Internet FX, Inc., Registrant	)	
	)	

**Commissioner for Trademarks**

P.O. Box 1451

Alexandria, VA 22313-1451

**NOTICE OF RELIANCE**

Pursuant to TBMP § 704.02, the Petitioner hereby notifies the Board and the Registrant that, in support of the Petitioner's Cancellation Action, the Petitioner is relying on the following two related documents, and accordingly introduces said documents and respectfully requests that said documents be admitted into evidence:

- **EXHIBIT A** - A copy of a certified copy (Order No. 7091685, dated October 9, 2007) of a trademark assignment for Registration No. 3,064,820 recorded on June 27, 2007 (reel/frame 3569/0515), which incorrectly assigns the interest in the mark NETTRAK to "NetTrack Lead Manager Solutions, Ltd.," and which erroneously lists the Petitioner's address as the address of the assignee, and which apparently indicates that even the Registrant's counsel was confused between the two marks in question.
- **EXHIBIT B** - A copy of a certified copy (Order No. 7091685, dated October 9, 2007) of the abstract of title for Registration No. 3,064,820, showing the trademark assignment recorded

on June 27, 2007 (reel/frame 3569/0515) that incorrectly assigned the interest in the mark NETTRAK to “NetTrack Lead Manager Solutions, Ltd.,” and that erroneously lists the Petitioner’s address as the address of the assignee, which apparently indicates that even the Registrant’s counsel was confused between the two marks in question.

WHEREFORE, the Petitioner respectfully requests that the above-described Exhibits A and B be entered into evidence.

Respectfully submitted,

/s/  
Terrence M. Wyles, Attorney  
Colorado Reg. #39799

Attorneys for Petitioner: Carl Oppedahl  
Jessica L. Olson  
Terrence M. Wyles  
P.O. Box 4850  
Frisco, CO 80443-4850  
Tel: +1 970 468-8600  
Fax: +1 970 692-2203

# CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing NOTICE OF RELIANCE on Exhibits A and B was deposited on October 15, 2008 with the United States Post Office, First Class postage prepaid, and addressed to the Registrant's Correspondent as follows:

SUSAN E. HOLLANDER & BRITT L. ANDERSON  
MANATT, PHELPS & PHILLIPS, LLP  
1001 PAGE MILL ROAD, BLDG. 2  
PALO ALTO, CA 94304

/s/

---

Terrence M. Wyles, Attorney  
Colorado Reg. #39799

Attorneys for Petitioner: Carl Oppedahl  
Jessica L. Olson  
Terrence M. Wyles  
P.O. Box 4850  
Frisco, CO 80443-4850  
Tel: +1 970 468-8600  
Fax: +1 970 692-2203

## **EXHIBIT A**

ORDER NUMBER	7091685
REFERENCE ORDER NUMBER	0
BIN NUMBER	0

Page 1 of 1

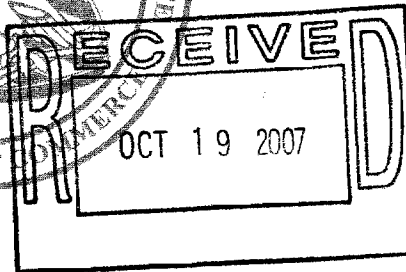
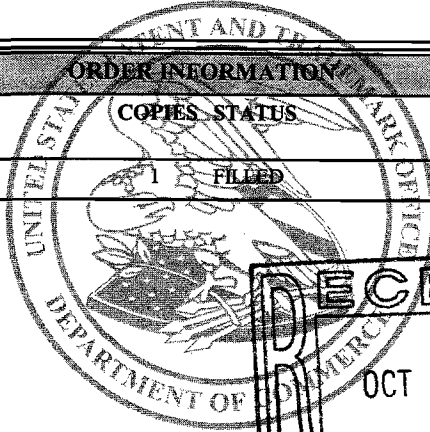


## DELIVERY INSTRUCTIONS

ORDER DATE/TIME	PALM NUMBER	CUSTOMER NUMBER	CONTACT PHONE NUMBER	PAYMENT METHOD	TOTAL COST OF ORDER
2007/10/09 12:26:59		IDON796956	(970) 468-8600	CREDIT CARD	\$ 50.00

## BROADCAST MESSAGE

ORDER INFORMATION					
ORDER LINE	PRODUCT TYPE	DOCUMENT IDENTIFIER	COPIES	STATUS	CUSTOMER REFERENCE
2	III	35690515	1	FILLED	NETR.I-007



E-MAIL
carl2@oppedahl.com
FAX NUMBER

CARRIER
CARRIER TRACKING NUMBER
CARRIER ACCOUNT NUMBER

TS 7091685



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

**October 11, 2007**

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE  
RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON  
JUNE 27, 2007.**

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**



  
**E. BORNETT**  
**Certifying Officer**

# TRADEMARK ASSIGNMENT

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
<b>CONVEYING PARTY DATA</b>			
Name	Formerly	Execution Date	Entity Type
Internet FX, Inc.		03/23/2007	CORPORATION: TEXAS
<b>RECEIVING PARTY DATA</b>			
Name:	NetTrack Lead Manager Solutions, Ltd.		
Street Address:	3080 Valmont Road, Suite 200		
City:	Boulder		
State/Country:	COLORADO		
Postal Code:	80301		
Entity Type:	CORPORATION: COLORADO		
<b>PROPERTY NUMBERS Total: 1</b>			
Property Type	Number	Word Mark	
Registration Number:	3064820	NETTRAK	
<b>CORRESPONDENCE DATA</b>			
Fax Number:	(650)213-0260		
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>			
Email:	patrademarks@manatt.com		
Correspondent Name:	Susan E. Hollander, Esq.		
Address Line 1:	1001 Page Mill Road, Building 2		
Address Line 4:	Palo Alto, CALIFORNIA 94304		
ATTORNEY DOCKET NUMBER:	25908.030 NETTRAK		
NAME OF SUBMITTER:	Kimberley J. Thompson, Paralegal		
Signature:	/Kimberley J. Thompson/		
Date:	06/27/2007		
Total Attachments: 1			

CH \$40.00 3064820

900080415

**TRADEMARK**  
**REEL: 003569 FRAME: 0515**



### TRADEMARK ASSIGNMENT

WHEREAS, Internet FX, Inc., a Texas corporation, with its principal place of business at 19202 Foxtree Lane, Houston, TX 77094 ("Assignor"), has adopted, used, is using, and is the respective owner of the following trademarks for which registration issued in the United States Patent and Trademark Office:

<u>Trademark</u>	<u>Owner</u>	<u>Serial or Registration Number</u>	<u>Filing or Registration Date</u>
NetTrak	Internet FX, Inc.	3064820	March 7, 2006 (reg. date)

WHEREAS, NetTrak Lead Manager Solutions, Ltd. ("Assignee"), wishes to acquire all right, title and interest in said trademark within the United States, including the United States and any related pending applications or registrations.

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Assignor does hereby assign unto the said Assignee all right, title, and interest in and to the said trademark in the United States and its related U.S. pending applications and registrations, together with the goodwill of the business symbolized by the trademark. Assignor hereby consents to and requests recordation of this Assignment and further authorizes and requests that all official documents and communications relating to said trademark issue and deliver to Assignee, its attorneys, agents, successors or assigns.

Dated: March 23, 2007

INTERNET FX, INC.  
A Texas corporation

By: Bernard C. Graeber III  
Name: BERNARD C. GRAEBER III  
Title: President

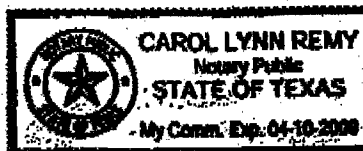
STATE OF Texas  
COUNTY OF Harris

On this 23 day of March, 2007, before me a Notary Public, personally appeared Bernard C. Graeber III known personally to me to be the President of Internet FX, Inc. and that he, as such officer, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the Texas corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Carol L. Remy  
Notary Public

My commission expires: 4/10/09



## **EXHIBIT B**

ORDER NUMBER	7091685
REFERENCE ORDER NUMBER	0
BIN NUMBER	0



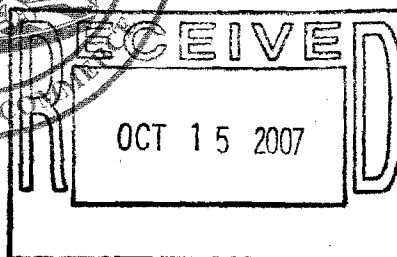
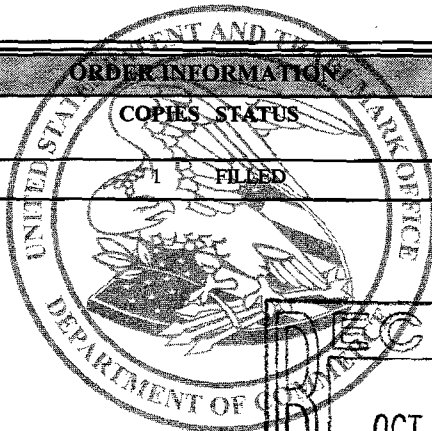
## DELIVERY INSTRUCTIONS

ORDER DATE/TIME	PALM NUMBER	CUSTOMER NUMBER	CONTACT PHONE NUMBER	PAYMENT METHOD	TOTAL COST OF ORDER
2007/10/09 12:26:59		IDON796956	(970) 468-8600	CREDIT CARD	\$ 50.00

## BROADCAST MESSAGE

## ORDER INFORMATION

ORDER LINE	PRODUCT TYPE	DOCUMENT IDENTIFIER	COPIES	STATUS	CUSTOMER REFERENCE
1	GG1	03064820	1	FILLED	NETR.I-007



## E-MAIL

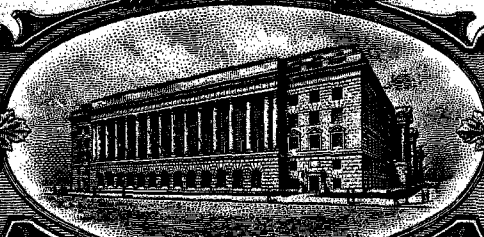
carl2@oppedahl.com

## FAX NUMBER

## CARRIER

## CARRIER TRACKING NUMBER

## CARRIER ACCOUNT NUMBER



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**United States Patent and Trademark Office**

**October 10, 2007**

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE  
ASSIGNMENT RECORDS OF ALL DOCUMENTS FOUND OF RECORD AS  
OF THE DATE OF THIS CERTIFICATION FOR:**

**TRADEMARK APPLICATION: 76/608,800**

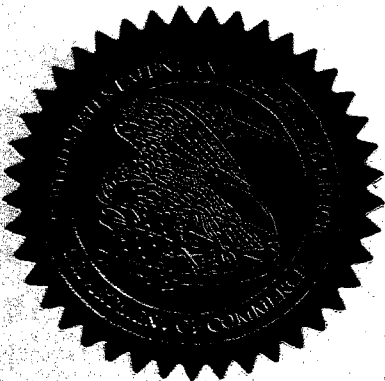
**FILING DATE: August 23, 2004**

**REGISTRATION NUMBER: 3,064,820**

**REGISTRATION DATE: March 07, 2006**

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

**T. LAWRENCE  
Certifying Officer**



# Trademark Assignment Abstract or Title

**Total Assignments: 1**

**Serial #:** 76608800

**Filing Dt:** 08/23/2004

**Reg #:** 3064820

**Reg. Dt:** 03/07/2006

**Registrant:** Internet FX, Inc.

**Mark:** NETTRAK

**Assignment: 1**

**Reel/Frame:** 3569 /  
0515

**Received:**  
06/27/2007

**Recorded:**  
06/27/2007

**Mailed:**  
06/27/2007

**Pages:**  
3

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** INTERNET FX, INC.

**Exec Dt:** 03/23/2007

**Entity Type:** CORPORATION

**Citizenship:** TEXAS

**Assignee:** NETTRACK LEAD MANAGER SOLUTIONS, LTD.

3080 VALMONT ROAD, SUITE 200  
BOULDER, COLORADO 80301

**Entity Type:** CORPORATION

**Citizenship:** COLORADO

**Correspondent:** SUSAN E. HOLLANDER, ESQ.

1001 PAGE MILL ROAD, BUILDING 2  
PALO ALTO, CA 94304

Search Results as of: 10/10/2007 09:31 AM

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If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.  
Web Interface last modified: February 22, 2007 v.2.0